



**Testimony
Betsy Gara
Connecticut Council of Small Towns
Before the Planning & Development Committee
March 4, 2016**

RE: HB-5481 - PHOSPHORUS REDUCTION REIMBURSEMENTS TO MUNICIPALITIES

The Connecticut Council of Small Towns (COST) supports **HB-5481**, which will extend the July 1, 2018 construction contract date for phosphorus abatement projects to July 1, 2020. The rigid contract date in the current statute unfairly penalizes municipalities who, through no fault of their own, may still be awaiting permit renewals, project approvals or facing other issues in moving forward with a construction contract for phosphorus removal plant upgrades.

COST also supports revisions to the bill to revise the effluent discharge limit set forth in the statute. The language in the current law has been interpreted by the state Department of Energy & Environmental Protection (DEEP) in a way that is inconsistent with the scientific basis for the permits that have been issued. As a result, certain municipalities have been determined to be ineligible for the reimbursement. Attached is language to address this inequity. We will be providing suggested revisions to the committee to address this concern.

Currently, the state Department of Energy & Environmental Protection (DEEP) is in the process of implementing a "Phosphorus Reduction Strategy for Inland Non-Tidal Waters" which will impact a number of towns and cities across Connecticut, requiring costly upgrades to wastewater treatment plants to comply with more stringent phosphorus reduction limits. Unfortunately, these municipalities are being burdened with addressing what is essentially a statewide problem resulting from excessive levels of phosphorus in certain water basins.

Recognizing that these communities are bearing the brunt of achieving statewide environmental goals, the legislature adopted Public Act 13-239 and Public Act 14-13, which increases from 30% to 50% the amount municipalities are eligible to receive under the Clean Water Fund grant program. However, the increased reimbursement is only available to municipalities that enter into a contract for phosphorus removal by July 1, 2018 to meet a .2 mg/l effluent discharge limit.

For example, although Plainville is required under its permit to meet the .2 mg/l limit, DEEP has denied Plainville eligibility for the 50% funding, asserting that the .2/mg/l performance level "must be present as a limit in a discharge permit, specifically the Monthly Average Daily Effluent Concentration Limit." This interpretation is not consistent with Public Act 14-13, which was intended to provide a level playing field for communities that undertake projects to remove phosphorus to a level at or below .2 mg/l without unfairly burdening residents in the affected municipalities.

By extending the contract date and revising the threshold referenced in the statute, **HB-5481 will help ensure that certain towns are not shouldering the entire financial burden for meeting statewide environmental goals.**

COST is an advocacy organization committed to giving small towns a strong voice in the legislative process. Its members are Connecticut towns with populations of less than 30,000.